

**McCARTER
& ENGLISH**
ATTORNEYS AT LAW

May 14, 2014

VIA HAND DELIVERY

Honorable Katherine B. Forrest
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: **Microsoft Corporation v. DataTern, Inc.**
No. 11-cv-2365-KBF
SAP AG and SAP America, Inc. v. DataTern, Inc.
No. 11-cv-2648-KBF

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Dear Judge Forrest:

The parties jointly write in response to the Court's order of May 7, 2014 [Dkt. No. 192 in Case 11-cv-2365 and No. 241 in Case 11-cv-2648] regarding submission of joint proposed orders reflecting the decisions of the Federal Circuit. In light of the Federal Circuit's order of May 5, 2014, that the "time for rehearing petitions will begin anew" with issuance of the new decisions, which also issued on May 5, 2014, the parties respectfully request leave to submit joint proposed orders, or to make such other submissions as may then be appropriate given the outcome at the Federal Circuit, to the Court within ten days, or otherwise as convenient for the Court, following final decisions by the Federal Circuit on any such petitions. DataTern had filed rehearing petitions the day before the Federal Circuit's May 5th order and, per the Federal Circuit's order, will be renewing its petitions in due course. Microsoft also intends to file a petition for rehearing consistent with the Federal Circuit's order. The deadline for submission of the parties' rehearing petitions is June 4, 2014.

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Respectfully Submitted,



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Edward Reines, Esq.
Attorney for Microsoft Corporation,
SAP AG, and SAP America, Inc.

cc: Counsel of Record (via electronic mail)